

**73-3b-203 Proof of completion, certification, or lapse of recharge permit.**

- (1) Sixty days before the date on which the recharge permit will lapse under Subsection (3), the state engineer shall notify the applicant by mail when proof of completion is due.
- (2)
  - (a) Before the date on which the recharge permit will lapse under Subsection (3), the applicant shall file proof of completion with the state engineer on a form furnished by the state engineer, which shall include:
    - (i) the location and description of the recharge works constructed;
    - (ii) the water source for the water artificially recharged and where the water is delivered for artificial recharge;
    - (iii) the quantity of water, in acre-feet, the flow in second-feet, or both, diverted from the water source described in Subsection (2)(a)(ii);
    - (iv) the method of artificially recharging the water; and
    - (v) any other information the state engineer requires.
  - (b) The state engineer may waive the filing of a map, a profile, or drawing if in the state engineer's opinion the written proof of completion adequately describes the construction and the nature and extent of the recharge project.
  - (c) The completed proof shall conform to a rule established by the state engineer.
- (3) A recharge permit will lapse if the proof of completion of the recharge project's construction is not submitted to the state engineer within five years from the date of the permit application's approval, unless:
  - (a) the applicant requests an extension of time to complete the recharge project's construction; and
  - (b) the state engineer approves the extension of time.
- (4)
  - (a) The state engineer shall issue a recharge certificate if the recharge permittee has demonstrated to the state engineer's satisfaction that:
    - (i) a recharge project is perfected in accordance with the recharge permit; and
    - (ii) the water is being artificially recharged.
  - (b) The recharge certificate shall include:
    - (i) the name and post office address of the recharge permittee;
    - (ii) the maximum quantity of water, in acre-feet or the flow in second-feet, that may be recharged;
    - (iii) the name of the water source from which the water to be artificially recharged is diverted; and
    - (iv) other information that defines the extent and conditions of the recharge permit.
  - (c) A recharge certificate issued for a recharge permit need show no more than the facts shown in the proof of completion.
  - (d)
    - (i) The state engineer shall:
      - (A) retain and file one copy of the recharge certificate; and
      - (B) deliver one copy of the recharge certificate to the recharge permittee.
    - (ii) A recharge permittee shall file the recharge certificate with the county recorder of the county in which the water is recharged.
  - (e) The recharge certificate issued and filed under this section is prima facie evidence of the permittee's right to the artificially recharged water for the purpose, at the place, and during the time specified in the recharge certificate.

Amended by Chapter 107, 2010 General Session